

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 07 November 2007**

Case No.: **2007-STA-00008**

In the matter of

**KEITH C. GREEN,**  
Complainant,

v.

**FED EX FREIGHT EAST, INC.,**  
Respondent.

**RECOMMENDED ORDER APPROVING SETTLEMENT AND DISMISSING CASE**

This proceeding arises from a complaint filed by Keith C. Green against FedEx Freight East, Inc. and the resultant appeal of the Secretary's Findings and Dismissal of the complaint. This proceeding arises under Section 31105 of the Surface Transportation Assistance Act (STAA) of 1982 (49 U.S.C. § 31101) and the regulations promulgated thereunder [29 C.F.R. Part 1978 (1989)]. On August 30, 2007 the parties filed a Settlement Agreement and Release of All Claims in accordance with 29 C.F.R. § 1978.11 1(d)(2).

The Act and implementing regulations provide that a proceeding under the Act may be ended prior to entry of a final order by a settlement agreement between the parties. 49 U.S.C. §311105(b)(2)(C); 29 C.F.R. § 1978.111(d)(2). The Administrative Law Judge's role in reviewing the parties' settlement agreement is limited to ascertaining whether the terms of the agreement fairly, adequately and reasonably settle the Complainant's allegations that the Respondent violated the Act. *Ass't Sec'y & Zurenda v. Corporate Express Delivery Systems, Inc.*, ARB No. 00-04 1, OALJ No. 1999-STA-30 (ARB March 31, 2000) (*Zurenda*); *Champlin v. Florilli Corp.*, OALJ No. 199 1-STA-7 (Sec'y May 20, 1992).

Pursuant to the requirements of the Act and the implementing regulations, I have carefully reviewed the terms of the parties' Settlement Agreement, and I have determined that it constitutes a fair, adequate and reasonable settlement of the complaint. The signed agreement is attached to this decision.

ACCORDINGLY, it is hereby ORDERED that:

1. The “Settlement Agreement and Release of All Claims” is **APPROVED** and
2. The appeal of Keith C. Green is **DISMISSED** with prejudice.

**A**

RICHARD K. MALAMPHY  
Administrative Law Judge

RKM/ccb  
Newport News, Virginia

NOTICE OF REVIEW: The administrative law judge’s Recommended Order Approving Settlement, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U. S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. *See* 29 C.F.R. § 1978.109(a); Secretary’s Order 1-2002, ¶4.c(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge’s Recommended Order Approving Settlement, the parties may file briefs with the Administrative Review Board (“Board”) in support of, or in opposition to, the administrative law judge’s order unless the Board, upon notice to the parties, establishes a different briefing schedule. *See* 29 C.F.R. § 1978.109 (c)(2). All further inquiries and correspondence in this matter should be directed to the Board.